

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2024-022769-CA-01

SECTION: CA02

JUDGE: Lourdes Simon

KP INVESTMENTS MIAMI, LLC a Florida LLC

Plaintiff(s)

vs.

Mario Mirabal

Defendant(s)

**UNIFORM ORDER SETTING CAUSE FOR LIVE/IN-PERSON NON-JURY TRIAL,
MEDIATION, AND PRE-TRIAL INSTRUCTIONS
CALENDAR CALL ON ZOOM/VIRTUAL**

THIS CAUSE is hereby set for non-jury trial before the undersigned Judge at **Dade County Courthouse, 73 West Flagler Street, Miami, FL 33130**, courtroom **6-1** for the **1** week period commencing **12-08-2025**, or as soon thereafter as the same may be heard.

ALL ATTORNEYS, pursuant to Fla. R. Civ. P. 1.200., are directed to appear before the undersigned Judge for **Calendar Call** on **12-02-2025** at **10:30 AM**. (Zoom provided by Judicial Assistant)

All attorneys appearing at the Calendar Call must be **thoroughly familiar** with the cause and be prepared to consider and determine such matters as are set forth in Fla. R. Civ. P. 1.200(k).

Failure to appear as directed or to otherwise strictly comply with the terms of this Order may result in sanctions, including, but not limited to, the dismissal of the action, striking of pleadings, limiting of proof, striking a witness or such other actions as the Court may deem proper.

Virtual Court is held remotely on the Zoom platform as authorized by Florida Rule of General Practice and Judicial Administration 2.530(b). You will receive an email from the Court with the information you need to connect to your event by video or phone if you are on the E-Filing Portal service list. If you do not receive an email, check the Judge's webpage for the Zoom link to their virtual courtroom for further instructions. You may also register for text notification via link <https://cmap.jud11.flcourts.org/TextNotifications>.

IT IS THE RESPONSIBILITY OF THE SCHEDULER TO PROVIDE TIMELY NOTICE OF THE ZOOM MEETING DETAILS TO ANY PARTY NOT REGISTERED ON THE E-FILING SERVICE PORTAL.

It is further Ordered and Adjudged as follows:

IN THE EVENT OF CONFLICTING DEADLINES, PREVIOUSLY ENTERED CASE MANAGEMENT ORDERS (CMOs) OR SCHEDULING ORDERS MUST BE FOLLOWED. THE EARLIEST APPLICABLE DEADLINE WILL BE ENFORCED. THE CMO/SCHEDULING ORDER SUPERSEDES ANY CONFLICTING DEADLINES ESTABLISHED BY THIS TRIAL ORDER. DO NOT RELY ON THIS TRIAL ORDER TO EXTEND ANY PRIOR DEADLINES.

1. The parties must do all things reasonable and necessary to **ensure availability of their witnesses** for the **entire trial period** or to otherwise **preserve their testimony** for trial as provided by Florida Rules of Civil Procedure. *See, e.g.*, Fla. R. Civ. P. 1.310 and 1.410; Fla. R. Gen. Prac. & Jud. Adm. 2.545.
2. At least **ninety (90) days prior** to the first day of the trial period set forth herein, counsel for each party must file a **list of the proper names and addresses of all witnesses** who are expected to testify in this cause, including all “hybrid” witnesses who may be considered a fact witness and also give expert testimony.
3. At least **sixty (60) days prior** to the first day of the trial period set forth herein, counsel for each party must file a **list of the proper names and addresses of all expert witnesses** retained by the parties **who are expected to testify at the trial of this cause**. The parties must also list the **specialty** of each expert, what **element of the case** the expert will express opinions on (standard of care, causation, damages, etc.), and provide all parties a copy of the **experts’ report(s)**, if applicable, and/or provide a short summary of the testimony expected from each expert pursuant to Fla. R. Civ. P. 1.280(c)(5). Each party is limited to **one expert per specialty**.
4. **Upon receipt of opposing counsel’s expert witness disclosure**, each party must have **fifteen (15) days to list the proper names of additional rebuttal experts or impeachment witnesses**. The parties must follow the instructions in paragraph 3 with regard to the information accompanying the listing of additional experts retained by the parties.
5. At the time of the Calendar Call, if necessary, counsel for each party will file any objections to the **authenticity** of any records or evidence produced during discovery that are expected to be introduced into evidence so as to put all parties on notice of the need for a records custodian witness. Failure to timely file such objection will be deemed as a waiver of any objection to authenticity. All other substantive objections are preserved.
6. **All compulsory medical evaluations** pursuant to Florida Rule of Civil Procedure 1.360 must be completed at least **forty-five (45) days prior** to the first day of the trial period set forth herein.
7. At least **thirty (30) days prior** to the first day of the trial period set forth herein, counsel for each party must file a **list of all exhibits** intended to be introduced as evidence at trial and make these exhibits available to opposing counsel for examination and inspection, including the **initialing** of the exhibits **no later than five (5) days prior** to the first day of the trial period.
8. **Daubert motions must be filed pursuant to the Case Management Order**. At the time of the Calendar Call, each party must make known to opposing counsel and the court all

substantive motions, including all motions in limine that still need to be ruled upon prior to trial. Failure to do so may be deemed an abandonment of any pending motion(s). **If any Daubert motion has been timely filed and not heard, it must be brought to the attention of the Court at Calendar Call.**

9. **Discovery must be concluded by the date** set forth in the Case Management Order. Any further discovery must be conducted by the written stipulation of all parties or leave of the Court.
10. **Ten (10) days prior** to the first day of the trial period, the parties must file their page-line **designation for depositions** that they intend to read or play at trial; the opposing party must have **five (5) days thereafter to file objections** and/or counter-designations.
11. **Mediation** must be completed **prior to the Calendar Call** to either resolve the case or narrow the issues. The parties must immediately notify the Court in the event of settlement and submit a Stipulation and Order of Dismissal. As well, the parties must advise the Court of the cancellation of any pending hearings. **The parties are ordered to mediate this cause pursuant to attached exhibit which is incorporated in this order.**
12. The parties are directed to exchange **proposed jury instructions** and verdict forms at the time of the Calendar Call. **At least three (3) days before commencement of the trial period** the parties must agree on as many jury instructions as possible and be prepared to submit the agreed instructions to the court as well as designate to the court the proposed instructions in dispute.
13. **Should the parties believe that a different schedule is required for the efficient administration of this matter, they are encouraged to meet and develop a joint stipulated order and/or set a case management conference pursuant to Fla. R. Civ. P. 1.200. If parties expect that the case will require a pretrial conference, they should request and schedule same sufficiently in advance of trial to permit same to be scheduled.**
14. Failure to list a witness or exhibit pursuant to this order or the Case Management Order may result in the exclusion of that witness or exhibit from trial.
15. Should this matter be continued or not reached during the trial docket set forth herein, each time limitation and provision contained herein will apply to the **new trial** date.
16. All time periods herein refer to calendar days.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 30th day of October, 2025.


2024-022769-CA-01 10-30-2025 1:55 PM

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Hon. Lourdes Simon

CIRCUIT COURT JUDGE

Electronically Signed

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2400, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355, Email: ADA@jud11.flcourts.org at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.

**EXHIBIT TO TRIAL ORDER:
REFERRAL TO MEDIATION**

Pursuant to Chapter 44 of the Florida Statutes and Rules 1.700 – 1.730, Florida Rules of Civil Procedure, the above-styled cause is hereby referred to mediation. Mediation is a mandatory but non-binding settlement conference, conducted with the assistance of a Mediator. Mediation is private, confidential, and privileged from process and discovery. After mediation, the Mediator must file a report in accordance with Rule 1.730, Florida Rules of Civil Procedure.

Selection of Mediator

1. Within fifteen (15) days of this Order of Referral, the parties may mutually agree upon the designation of any certified Mediator of their choice. If an agreement is reached, the plaintiff or petitioner must, within the time period set forth above, file with the Clerk of the Court, and serve upon the parties, the agreed-upon Mediator, and the Court a “Notice of Stipulation of Mediator” which must identify the name, address, telephone number and email of the Mediator. Upon filing the “Notice of Stipulation of Mediator”, said Mediator must be deemed designated to mediate without further Order of Court.
2. In the event the parties are unable to agree upon the selection of a mediator within the time frame set forth above, the plaintiff or petitioner must, within twenty (20) days of this Order of Referral, prepare a “Request for Appointment of Mediator” certifying that notwithstanding a good faith effort to agree, the parties were unsuccessful in so doing and requesting the Mediation Division provide the next available mediator from the rotating list of Certified Mediators. Said “Request for Appointment of Mediator” must be filed with the Clerk of the Court and a copy emailed to the Mediation Division, MediationDivision@jud11.flcourts.org.

Payment of Mediator’s Fees

3. Fees for the mediation are to be divided and borne equally by the parties unless:
 - a. otherwise agreed to by the parties, in writing; or
 - b. otherwise provided by court order.
4. Mediation fees for Circuit Court cases will be Two Hundred Dollars (\$200) for the first hour, or any part thereof, and an additional fee of Two Hundred Dollars (\$200) for each additional hour, or any part thereof, unless otherwise agreed to by the Mediator and all parties.

The following shall also be applicable to all such civil mediations:

- a. The above mediation fees must be assessed when the court appoints a private mediator from the Mediation Division’s Rotating List of Certified Mediators.
- b. The Mediation Conference must not exceed three (3) hours unless the parties mutually agree.
- c. The mediation fee will be waived in cases of economic hardship or indigency and for Miami-Dade County in cases where the County is a party.
- d. A private mediator may waive their fee and perform pro bono.
- e. The parties’ legal counsel are responsible for making necessary financial arrangements

with their clients and ensuring timely payment of mediation fees.

Scheduling Mediation

5. The parties and designated Mediator are ordered and directed to proceed with mediation in accordance with the Rules of Civil Procedure. Mediation must be completed prior to the Calendar Call.

Required Attendance at Mediation

6. Personal appearance of counsel, and each party or representative of each party with authority to enter into a full and complete compromise and settlement, without further consultation, is mandatory at mediation. If insurance is involved, an adjuster with the aforementioned authority up to the policy limits or the most recent demand, whichever is lower, must attend.

Change/Cancellation of Scheduled Mediation

7. Written notice to the Mediator of any change or cancellation of the scheduled mediation must be given at least seventy two (72) hours prior to the scheduled mediation. Failure to provide such notice must result in the imposition of a 2 hour minimum fee paid by the canceling party to the Mediator, unless the Court orders otherwise for exceptional circumstances beyond the parties' control or the Mediator agrees to waive same.

Dispensing with Mediation

8. A party may move, within fifteen (15) days of the Order of Referral, to dispense with mediation, if:
 - a. the issue to be considered has previously been mediated between the same parties pursuant to Florida law;
 - b. the issue presents a question of law only;
 - c. other good cause is shown.

Sanctions for Non-Compliance

9. If any of the parties fails to comply with the obligations set forth herein to ensure that mediation is accomplished expeditiously, the Court may, on its own motion or on motion of any party, dismiss the case, strike pleadings, enter default, remove the case from the trial calendar, or impose any other sanctions that it may deem appropriate under the circumstances.

Electronically Served:

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